

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:03CR25-1-MU

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )                            ORDER  
                                  )  
PHILLIP JOHANN ROBINSON, )  
                                  )  
Defendant.                    )  
                                  )  
\_\_\_\_\_

**THIS MATTER** comes before the Court upon Defendant's Motion for Temporary Restraining Order, filed May 19, 2005.

On August 17, 2004, Defendant's criminal judgment was entered. Defendant's judgment indicates that the Court ordered Defendant to pay \$ 30,984.00 in restitution. The Court further ordered that Defendant was to begin paying his criminal monetary penalties immediately through the inmate financial responsibility program and in monthly installments of \$ 100.00 upon 90 days of his release from imprisonment.

Defendant argues that the Court's Judgment violated the United States Court of Appeals's holding in United States v. Johnson, 48 F.3d 806 (1995), which holds that a district court may not delegate its authority to determine the amount and timing of the collection of restitution. Upon reviewing the Defendant's judgment in this case, this Court concludes that it did not improperly delegate its authority with regard to the collection of Defendant's restitution. That is, the Court set forth the total amount of restitution owed by the Defendant as well as the amount and timing of the payments.

**IT IS, THEREFORE, ORDERED** that Defendant's Motion for Temporary Restraining Order is **DENIED**.

**Signed: June 23, 2005**



Graham C. Mullen  
Chief United States District Judge

